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W.P.No.23503 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.23503 of 2025
and
W.M.P.No.26387 of 2025

G.Narayanan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Chennai – 600 009.
2. The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai – 600 004.
3. The Deputy Inspector General of Police,
Salem Range,
Salem District.
4. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
5. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Krishnagiri District.



W.P.No.23503 of 2025

6. The Enquiry Officer,
Additional Superintendent of Police,
Krishnagiri District.

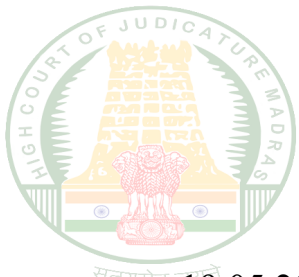
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first to third respondents to defer the conduct of enquiry in the disciplinary proceedings in Rc.No.B2/146/1381/2014 dated 19.05.2025 pursuant to the Charge Memo Krishnagiri District PR.No.57/G2/2025 u/r 17(b) dated 28.04.2025 passed by the third respondent till the disposal of the Criminal Case in Spl.C.C.No.10/2015 on the file of the learned Chief Judicial Magistrate and Special Judge, Krishnagiri on the ground of similarity of charges based on the same set of oral and documentary evidence by considering the petitioner's representation dated 14.05.2025.

For Petitioner	: Mr.B.Sundarapandiyan
For Respondents	: Mr.N.Naveen Kumar, Government Advocate

ORDER

The instant writ petition has been filed with a prayer for issuing a mandamus directing the first to third respondents to defer the conduct of the enquiry in the disciplinary proceedings in Rc.No.B2/146/1381/2014 dated



W.P.No.23503 of 2025

WEB COPY

19.05.2025, pursuant to the Charge Memo Krishnagiri District PR.No.57/G2/2025 under Rule 17(b) dated 28.04.2025 passed by the third respondent, till the disposal of the criminal case in Spl.C.C.No.10/2015 on the file of the learned Chief Judicial Magistrate and Special Judge, Krishnagiri, on the ground of similarity of charges based on the same set of oral and documentary evidence, by considering the petitioner's representation dated 14.05.2025.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that he has been served with a charge memorandum dated 28.04.2025 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. He would further submit that the charges referred to in the charge memorandum and the list of documents and witnesses relied upon in the disciplinary proceedings are one and the same as in the pending criminal proceedings in Spl.C.C.No.10 of 2015. He would also submit that before the criminal Court trial has already commenced, and the prosecution witnesses have been



W.P.No.23503 of 2025

WEB COPY

examined. It is the further submission of the learned counsel that if the disciplinary proceedings are parallely conducted, it would jeopardize the defence of the criminal proceedings. Hence, he prayed to allow this Writ Petition.

4. Per contra, the learned Government Advocate appearing for the respondents would submit that the standard of proof before the Criminal Court and disciplinary proceedings are different. Therefore, contended that the mere pendency of the criminal proceeding is not a bar to proceed with the disciplinary proceedings. In this connection, he relied upon the judgement of the learned Single Judge of this Court in ***Jona Vs. District Collector (W.P.(MD) No.22515 of 2019 dated 10.02.2022)***.

5. I have given my anxious consideration to either side submissions.

6. It is a well-settled principle of law that, the standard of proof before the Criminal Court is proof beyond reasonable doubt, whereas in disciplinary proceedings, it is only preponderance of probability. It is further relevant to refer that in various judgements of the Hon'ble Supreme Court of India have



W.P.No.23503 of 2025

WEB COPY

categorically held that the mere pendency of a criminal proceeding is not a bar to proceed with the disciplinary proceedings.

7. Here, the main contention putforth by the learned counsel for the petitioner is that the charges, documents, and witnesses relied upon in both the criminal proceedings and the disciplinary proceedings are identical. Even inspite of such submissions, this Court does not find any ground to stay the disciplinary proceedings, in view of the fact that the trial has already commenced and most of the witnesses have already been examined. Therefore, continuing the disciplinary proceedings would in no way prejudice the pending criminal proceedings. Hence, this Court does not find any merit in the instant Writ Petition.

8. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.07.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



W.P.No.23503 of 2025

WEB COPY

To

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2. The Director General of Police,
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WEB COPY



W.P.No.23503 of 2025

C.KUMARAPPAN, J.

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